

RCE
JPW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: John G. Fischer
Serial No.: 10/758,660
Group Art Unit No. 2628
Examiner Amini, Javid A
Filed: January 15, 2004
Attorney Docket: JGF 02775 PTUS
Entitled: METHOD OF DISPLAYING PRODUCT AND SERVICE
PERFORMANCE DATA

MAIL STOP RCE
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:	
MAIL STOP RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
Date:	<u>February 26, 2007</u>
<u>Karen Roper</u>	
Name:	Karen Roper

AMENDMENT AND RESPONSE

Dear Sir:

In response to the Office Action mailed October 31, 2006, Applicant respectfully resubmits this response, with certain amendments, to accompany the filed Request for Continued Examination in the above-identified Application. In the claims, Applicant provides amendments as detailed below. Included is Applicant's response to the Office Action.

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

The Legal Instruments Examiner rejected Applicant's amendment filed on January 21, 2007. Upon telephone conversation with Rozenia Harmon on February 20, 2007, Applicant was advised that the only basis for the rejection was the use of improper status identifiers for the amended claims. Applicant used as status identifiers: "Presently Amended" and "Previously Amended." Applicant respectfully directs Examiner's attention to MPEP Section 714.II.C.(E).

*(E) **Acceptable Alternative Status Identifiers:** To prevent delays in prosecution, the Office will waive certain provisions of 37 CFR 1.121 and accept alternative status identifiers not specifically set forth in 37 CFR 1.121(c). See Acceptance of Certain Non-Compliant Amendments Under 37 CFR 1.121(c), O.G. (July 5, 2005). Accordingly claim listings that include alternative status identifiers as set forth below may be accepted if the amendment otherwise complies with 37 CFR 1.121.*

<u>Status Identifiers Set Forth in 37 CFR 1.121(c)</u>	<u>Acceptable Alternatives</u>
1. Original	Original Claim; and Originally Filed Claim
2. Currently amended	Presently amended ; and Currently amended claim
3. Canceled	Canceled without preju- dice; Cancel; Canceled; Canceled herein; Previ- ously canceled; Can- celed claim; and Deleted
4. Withdrawn	Withdrawn from con- sideration; Withdrawn – new; Withdrawn claim; and Withdrawn – cur- rently amended

5. Previously presented	Previously amended; Previously added; Pre- viously submitted; and Previously presented claim
6. New	Newly added; and New claim
7. Not entered	Not entered claim

"The Office may also accept additional variations of the status identifiers provided in 37 CFR 1.121(c) not listed above if an Office personnel determines that the status of the claims is accurate and clear. When accepting alternative status identifiers, the examiner is not required to correct the status identifiers using an examiner's amendment. Applicant will not be notified and will not be required to submit a corrective compliant amendment. The examiner does not need to make a statement on the record that the alternative status identifiers have been accepted."

Applicant respectfully submits the rejection of the amendment based on the status identifiers submitted was improper. It is further noted that previous amendments using the same status identifiers were accepted on September 8, 2006 (Claims 2-10), and on May 1, 2006 (Claim 9). Applicant does not believe additional fees are due, but if it is determined they are, Applicant requests a waiver and refund of the fee due. Subject to allowance, Applicant requests a patent term adjustment for the period of the delay caused by the improper rejection.